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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff

v.

MIKAELA MARIE CUEVAS,

Defendant

Case No. 2:22-CR-00286-CDS-BNW

**STIPULATION FOR PRE-SENTENCE
PAYMENT TOWARD RESTITUTION**

The parties, pursuant to 28 U.S.C. §§ 2041-2042, hereby stipulate to the pre-sentence deposit of funds to be withdrawn and applied toward Defendant Mikaela Marie Cuevas's restitution amount in this matter at the time judgment is entered. The stipulation is based on the following:

1. On February 23, 2023, Defendant Mikaela Marie Cuevas ("Cuevas") was charged by way of an Information upon a Waiver of Indictment with one count of Wire Fraud in violation of 18 U.S.C. §1343. ECF 7 and 10.

2. That same day, pursuant to a written plea agreement, Cueva pled guilty to the one count Information charging her with Wire Fraud in violation of 18 U.S.C. §1343. ECF 9 and 10.

1 3. Pursuant to the Plea Agreement, Cuevas agreed to “pay full restitution to the
2 victims of the offense to which defendant is pleading guilty. ... In particular, defendant
3 agrees that the Court may order restitution to any victim of any of the following for any
4 losses suffered by that victim as a result: (a) any relevant conduct, as defined in USSG §
5 1B1.3, in connection with the offenses to which defendant is pleading guilty; and (b) any
6 charges not prosecuted pursuant to this agreement as well as all relevant conduct, as
7 defined in USSG § 1B1.3, in connection with those charges.” ECF 9 at paragraph 5. She
8 also agreed to “pay the full restitution amount as determined by the government to the US
9 District of Nevada Clerk of Court after entering her guilty plea and before the sentencing
10 hearing. As to any remaining restitution outstanding at the sentencing hearing, defendant
11 agrees that any schedule of payments entered by the district court is a schedule of the
12 minimum payment due and does not prohibit or limit the methods by which the USAO
13 may immediately enforce and collect the judgment in full.” ECF 9 at paragraph 1(k).

14 4. The government has determined that Cuevas has agreed to pay the full
15 restitution amount of \$46,890.31, which is currently owed by her as of April 18, 2023.

16 5. The parties have conferred and hereby stipulate to the pre-sentence deposit
17 of restitution funds with the Clerk of Court, to be held until the Judgment is entered in this
18 matter by the Court.

19 6. The parties seek an order directing the Clerk of Court to accept Cuevas’s pre-
20 sentence payments for restitution. Pursuant to 28 U.S.C. § 2041, the Clerk of Court is
21 authorized to accept and hold such funds on behalf of Cuevas until the time of sentencing,
22 which is currently scheduled for May 24, 2023. Further, pursuant to 28 U.S.C. § 2042, the
23 parties request an order that upon the entry of a criminal judgment in this case, the Clerk of
24 Court is to withdraw and apply the deposited funds to the criminal financial obligations,
including restitution, imposed against Cuevas₂ in the sequence established in 18 U.S.C. §
3612(c).

7. Cuevas may submit payment by cash, cashier's check, or money order made payable to "Clerk, U.S. District Court" with "2:22-CR-00286-CDS-BNW" noted on each payment mailed or delivered to:

Clerk of the Court, District of Nevada
333 Las Vegas Boulevard, South
Room 1334
Las Vegas, Nevada 89101

WHEREFORE, the parties stipulate for an order directing the Clerk of Court to accept pre-sentence payments to be held on deposit until judgment is entered, and thereafter applied toward the criminal monetary penalties, including restitution, imposed in this matter as provided by law and in accordance with the Clerk's standard operating procedures.

Respectfully submitted this 19th day of April, 2023.

JASON FRIERSON
United States Attorney

/s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant United States Attorney

RENE L. VALLADARES
Federal Public Defender

/s/ Aden Kebede
ADEN KEBEDE
Assistant Federal Public Defender
Attorney for Defendant CUEVAS

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: April 20, 2023